

815 KAR 7:080. Licensing of fire protection sprinkler contractors.

RELATES TO: KRS 198B.550-198B.630

STATUTORY AUTHORITY: KRS 198B.555

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.555 requires the Commissioner of the Department of Housing, Buildings and Construction to adopt administrative regulations for the administration of a Fire Protection Sprinkler Contractor's Law. This administrative regulation establishes the qualifications, responsibilities, procedures and fees for licensing those contractors. This amendment is necessary to increase contractor licensing and certificate of competency fees to support the program. These fees have not been increased since the program was established in 1984.

Section 1. Definitions. (1) "Office" is defined in KRS 198B.550(1).

(2) "Certificate of competency" means the certificate of registration issued by the office to an individual who demonstrates competency to design fire suppression systems by successfully completing the minimum requirements of this administrative regulation.

(3) "Certificate holder" is defined in KRS 198B.550(5).

(4) "Executive Director" is defined in KRS 198B.550(2).

(5) "Fire protection sprinkler contractor" is defined in KRS 198B.550(3).

(6) "Fire protection sprinkler system" is defined in KRS 198B.550(6).

(7) "Inspection" means a physical and visual examination of a sprinkler system installation.

(8) "Installation" means the initial placement of a system or its extension or alteration after initial placement.

(9) "NICET" is defined in KRS 198B.570.

Section 2. Responsibilities of the Executive Director. The executive director shall review applications, accept fees and issue certificates and licenses to qualified persons and firms pursuant to this administrative regulation. He shall conduct investigations upon complaints which allege that a certificate holder or licensed fire protection sprinkler contractor has acted in violation of KRS Chapter 198B or this administrative regulation.

Section 3. Applicability. Except as exempted by KRS 198B.560, this administrative regulation shall apply to all firms and persons who engage in the business of design and preparation of technical drawings, installation, repair, alteration, extension, maintenance or inspection of a fire protection sprinkler system.

Section 4. Application for Certificate of Competency. (1) An applicant for certificate of competency shall comply with the examination requirements in KRS 198B.570 for the type of system the applicant seeks certification.

(2) Application for a fire protection sprinkler system certificate of competency shall be submitted on Forms FPS-SC-2 and 2a.

(3) Application for a range hood suppression system certificate of competency shall:

(a) Be submitted on Forms FPS-RC-2 and 2a;

(b) Included current manufacturer's training certification.

(4) Application for a chemical system certificate of competency shall be as follows:

(a) For preengineered chemical systems (limited):

1. Submit application on Forms FPS-CC-2 and 2a;

2. Include current manufacturer's training certification; and

3. A nonrefundable certificate fee of \$125.

(b) For engineer chemical systems (unlimited):

1. Submit application on Forms FPS-CC-2 and 2a;
2. Include current NICET certification in special hazard systems layout technician, level III; and
3. A nonrefundable certificate fee of \$125.

Section 5. Application for Licensed Fire Protection Sprinkler Contractors. (1) An applicant for licensure shall:

- (a) Have a certificate holder in his employ; and
 - (b) Show proof of financial responsibility as required by KRS 198B.595.
- (2) Application shall be made as follows:
- (a) For fire protection sprinkler contractor on Form FPS-SL-1;
 - (b) For rangehood suppression system contractor on Form FPS-RL-1;
 - (c) For chemical suppression system contractors on Form FPS-CL-1.
- (3)(a) Each application shall be accompanied by a fee of \$250;
- (b) The initial license fee shall be prorated on a quarterly basis upon the first renewal.

Section 6. Certificate Holder Seal. Each certificate holder shall obtain and use a seal for all work prepared by him or under his direct supervision. The design shall be as follows:



Section 7. Certification and Licensure. (1) Upon completion of the requirements of KRS 198B.595, the certificate of competency shall be issued by the executive director in the name of the certificate holder applicant.

(2) All fire protection sprinkler contractor licenses shall be issued in the name of the firm listed on the application and shall state the name of the certificate holder on the face of the license.

(3) Each license and certificate shall expire on June 30 of each year.

(4) Renewal of a certificate of competency shall be submitted:

(a) Using the appropriate application forms listed in Section 4(1)(a)-(c) of this administrative regulation; and

(b) A fee of \$125 for each certificate.

(5) Renewal of a license shall be submitted:

(a) Using the appropriate application forms listed in Section 5(2)(a)-(c) of this administrative regulation; and

(b) A fee of \$250 for each license.

Section 8. Duties and Responsibilities of a Licensed Contractor and a Certificate Holder. (1) A person shall not represent himself as a fire protection sprinkler contractor without first being licensed by the office in accordance with this administrative regulation.

(2) The design of a system shall be prepared and submitted by either a licensed professional engineer or licensed fire protection sprinkler contractor as required by KRS 198B.565.

(3) A person other than a certificate holder shall not engage in any activity listed in Section 3(1) of this administrative regulation unless he is supervised by or has in his employ a lawfully authorized certificate holder.

Section 9. Procedures for Administrative Disciplinary Hearings. Disciplinary action authorized by KRS 198B.620 shall conform to the following procedures:

(1) Upon written complaint that a licensee or certificate holder has engaged in any prohibited behavior or failed to satisfy his responsibilities as set forth in this administrative regulation, the executive director shall cause an investigation to be made of the matter.

(2) If the executive director determines that there is probable cause to believe the charges alleged, the executive director shall conduct a hearing in accordance with KRS Chapter 13B.

Section 10. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Form FPS-SC-2 and 2a, Application for Certificate of Competency; Fire Protection Sprinkler Systems, May, 2001;

(b) Form FPS-SL-1, Application for Contractor License; Fire Protection Sprinkler Systems, May, 2001;

(c) Form FPS-RC-2 and 2a, Application for Certificate of Competency; Fire Protection Rangehood, May 2001;

(d) Form FPS-RL-1, Application for Contractor License; Fire Protection Rangehood, May 2001;

(e) Form FPS-CC-2 and 2a, Application for Certificate of Competency; Fire Protection Chemical, May, 2001; and

(f) Form FPS-CL-1, Application for Contractor License; Fire Protection Chemical, May, 2001.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5405, between 8 a.m. and 4:30 p.m., Monday through Friday. (11 Ky.R. 372; eff. 9-11-84; Am. 13 Ky.R. 2113; eff. 7-2-87; 16 Ky.R. 1267; 1588; eff. 1-25-90; 18 Ky.R. 1226; 1883; eff. 12-8-91; 27 Ky.R. 3366; eff. 8-15-2001; TAm eff. 8-9-2007.)